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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,585	11/26/2003	Timothy J. McGann	38213.00010.CIP1	5676
23562	7590	11/29/2005	EXAMINER	
BAKER & MCKENZIE PATENT DEPARTMENT 2001 ROSS AVENUE SUITE 2300 DALLAS, TX 75201			DAVIS, OCTAVIA L	
			ART UNIT	PAPER NUMBER
			2855	
DATE MAILED: 11/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/722,585

Applicant(s)

MCGANN ET AL.

Examiner

Octavia Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/19/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gobush (6,533,674).

Regarding claims 1 and 23, Gobush discloses a device for measuring launch conditions of an object comprising marking a golf ball 41 with color markings 41a-f, the color markings comprising a plurality of colors including red, green or blue (See Col. 4, lines 1 – 19 and 24 – 25) and collecting data related to how the golfer's swing launches the golf ball 41 using a color camera(s) 36, 38 that is a preferred CCD camera (See Col. 3, lines 55 – 56 and Col. 4, lines 25 – 33) and the color markings 41a-f (See Col. 8, lines 56 – 67 and Col. 9, lines 1 – 8 and 26 – 30).

Regarding claims 2, 10, 11, 19 and 31, the collected data is averaged for a plurality of swings and the golf equipment is specified based on the averaged launch data to optimize the equipment and/or the swing (See Col. 9, lines 55 – 64 and Col. 16, lines 35 – 51).

Regarding claims 3 – 5, 12 – 14 and 24 – 26, the collected data comprises data related to the spin of a golf ball hit by the golfer (See Col. 9, lines 26 – 34 and Col. 16, lines 35 – 42), the speed of the golf ball hit by the golfer as the golf ball leaves the face of the club swung by the golfer (See Col.

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9, lines 46 – 54 and Col. 16, lines 35 – 42) and the launch angle of a golf ball hit by the golfer as the golf ball leaves the face of the club swung by the golfer (See Col. 9, lines 26 – 34).

Regarding claims 6, 15 and 27, collecting data comprises converting images of the color markings on the golf ball 41, captured by the camera, into spin, speed, and launch angle data (See Col. 12, lines 64 – 67, Col. 13, lines 1 – 23 and 45 – 49 and Col. 15, lines 51 – 64).

Regarding claims 7 – 9, 16 - 18 and 28 - 30, ball flight characteristics are derived based on the collected data (See Col. 8, lines 29 – 35 and Col. 9, lines 26 – 34), the ball flight characteristics are displayed and the characteristics comprise carry distance, total distance, and height characteristics (See Col. 16, lines 35 – 51).

Regarding claim 20, an analysis method and the system 113 compute the graphical trajectories from the average launch conditions, the trajectories including the trajectory height (See Col. 16, lines 26 – 34 and 52 – 67 and Col. 17, lines 1 – 2).

Regarding claim 21, a relationship between golf ball velocity, launch angle, and spin of the golf ball is derived that results in an optimum golf ball trajectory without exceeding the optimum trajectory height limitation (See Col. 14, lines 34 – 52 and Col. 15, lines 51 – 64).

Regarding claim 22, the launch angle is maximized and the spin is reduced, simultaneously, for a given velocity to change the distances (See Col. 9, lines 55 – 64 and Col. 17, lines 3 – 13).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Voges et al (2005/0079932) disclose systems and methods for fitting golf equipment.

Adams et al (6,692,382) disclose a golf tee marking system and method of use.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can normally be reached on Mon through Friday from 7:30AM to 4:30PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Octavia Davis*

OD/2855

11/22/05

  
**MAX NOORI**  
**PRIMARY EXAMINER**